

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD PAUL SHOVER II,  
#50913,

Petitioner,

v.

BRIAN S. CLARK,

Respondent.

CIVIL ACTION NO. 3:19-cv-01831

(SAPORITO, M.J.)

**MEMORANDUM**

On October 23, 2019, the petitioner filed a *pro se* petition for a writ of habeas corpus, submitted pursuant to 28 U.S.C. § 2254. (Doc. 1.) At the time of filing, the petitioner, Richard Paul Shover II, was incarcerated at Dauphin County Prison, serving a sentence imposed upon revocation of probation in a state criminal case, *Commonwealth v. Shover*, Docket No. CP-22-CR-3518-2012 (Dauphin Cnty. (Pa.) C.C.P.).

In his petition, the petitioner sought his immediate release from incarceration.<sup>1</sup> He did not challenge the validity of his original conviction

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<sup>1</sup> Shover also requested an award of monetary damages, but it is well settled that, “[i]n the case of a damages claim, habeas corpus is not an appropriate or available federal remedy.” *Preiser v. Rodriguez*, 411 U.S. 475, 494 (1973).

or sentence, but only the duration of his incarceration upon revocation of probation.

The publicly available state court docket record indicates that Shover was released from incarceration for the challenged sentence on January 24, 2020, a few months after he commenced this habeas action. *See id.* Thus, finding no suggestion of any cognizable collateral consequences to the sentence imposed upon revocation of probation, the instant habeas petition is moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007).

Accordingly, the petition (Doc. 1) is **DISMISSED as MOOT**. The Court will decline to issue a certificate of appealability, as the petitioner has failed to demonstrate “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Buck v. Davis*, 137 S. Ct. 759, 773–75 (2017); *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

An appropriate order follows.

Dated: April 12, 2023

**s/Joseph F. Saporito, Jr.**  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge